

MIKE SETTLE)
)
 Petitioner,)
)
 v.) No. 3:11-cv-127
) *Phillips*
)
 DAVID R. OSBORNE, Warden)
)
 Respondent.)

In accordance with the accompanying Memorandum, the respondent's motion to dismiss is **GRANTED**. The petition for the writ of habeas corpus is **DENIED** and this action is **DISMISSED**. All other pending motions are **DENIED** as **MOOT**. Should the petitioner give timely notice of an appeal from this decision, such notice will be treated as an application for a certificate of appealability, which under the circumstances is hereby **DENIED**. The court further **DENIES** the petitioner leave to proceed *in forma pauperis* on appeal.

s/ Thomas W. Phillips
United States District Judge

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